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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-------------------------|---------------------|------------------|
| 10/668,980  | 09/22/2003  | Purushottam Das Agrawal | PDA-1001            | 1773             |
| 7733  | 7590        | 04/20/2005              | EXAMINER            |                  |
| WALKER & JOCKE, L.P.A.<br>231 SOUTH BROADWAY STREET<br>MEDINA, OH 44256 |             |                         | MULLIS, JEFFREY C   |                  |
|   |             | ART UNIT                |                     | PAPER NUMBER     |
|   |             | 1711                    |                     |                  |

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>      |  |
|------------------------------|------------------------|--------------------------|--|
|                              | 10/668,980             | AGRAWAL, PURUSHOTTAM DAS |  |
| Examiner                     | Art Unit               |                          |  |
| Jeffrey C. Mullis            | 1711                   |                          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 February 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-25 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "high" is relative and subjective and therefore unclear.

The term "ultra-violet light stability" is unclear since it is subjective as to how much resistance to ultraviolet light would be needed to be considered stable.

The materials embraced by applicants' maleic anhydride ethylene copolymer are unclear in that applicants specification indicates that such materials include modified polyethylene which is not a copolymer of (monomeric) ethylene and maleic anhydride at all.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 12, 14, 16, 19, 20, 22, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (US 5910540).

Patentees in Example 6 in Table 3 disclose a blend containing 50% hydrogenated SIS and 50% polyurethane which is extruded and laminated to polypropylene. The Polyurethane may be derived from a polyether at column 9, lines 30-40.

Claims 1, 2, 4, 5, 14, 15, 19, 20, 22, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Fay (US 6025067).

Fay disclose a composition comprised of polyurethane and SIS (abstract) which may be laminated to PVC at column 6, lines 48-50.

Claims 1 3 5 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehr (US 4161472).

Lehr in claim 14 discloses a composition combined with glass fibers (embraced by applicants' substrate) which may contain styrene-isoprene block copolymer and must contain PVC.

Claims 6-7, 12-13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fay, cited above in view of either Kudo et al (US6802932) or Kindrick (6739008).

Fay does not disclose that laminates to applicants specific substrates such as polypropylene, fabric and nylon. However both the secondary and primary references

disclose formation of cushions and the secondary references disclose lamination to applicants specific materials to achieve such a goal (see for instance Kudo at column 7, lines 40-44) and therefore use of the materials of the secondary reference for lamination to form a cushion would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to achieve the goal of the primary reference to make a cushion, absent any showing of surprising or unexpected results.

Claims 1, 2, 4, 5, 14, 15, 19, 20, 22, 23 and 25 are rejected under 35 U.S.C. 102(\*\*b\*) as being anticipated by Tasaka .

See Tasaka Example 5 in column 29 for applicants composition.

Claims 9 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tasaka, cited above.

Tasaka disclose no specific examples having applicants maleic anhydride ethylene copolymer but discloses such usage at column 10, line 30-40 and therefore use of such would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention, absent any showing of surprising or unexpected results.

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis at telephone number 571 272 1075.

Application/Control Number: 10/668,980  
Art Unit: 1711

Page 5

Jeffrey C. Mullis  
J Mullis  
Art Unit 1711

JCM

*Jeffrey Mullis*  
**Primary Examiner**  
**Art Unit 1711**

A handwritten signature in black ink, appearing to read "Jeffrey C. Mullis". The signature is fluid and cursive, with a large, stylized 'J' at the beginning.